

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.520 OF 2006

IN

SUMMARY SUIT NO.1287 OF 2006

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M/s.Universal Asphalt Products &
Construction Company ...Plaintiffs

v/s.

The Hon.Secretary,
Arun Commercial Premises Co.
operative Society Ltd. & Ors. ...Defendants

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Mr.B.B.Saraf i/b J.J.Joshi for the Plaintiffs.
Mr.S.V.Dhakephalkar for the Defendants.

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CORAM: D.K.DESHMUKH, J.

DATED: 7TH FEBRUARY, 2007

P.C. :

The claim of the Plaintiffs arise out of contract awarded by the Defendants to the Plaintiffs for construction, cleaning etc. of the road. It is clear from the correspondence placed on record that the Defendants were disputing that the work carried out by the Plaintiffs is up to the mark. The Plaintiffs also after completion of the work, carried out work of repairs and amendment. There appears to be genuine dispute between the parties as to whether the Plaintiff has carried out the work as per the contract or not.

. In this view of the matter, therefore, it is clear that this is not the suit which can be decreed in summary jurisdiction. Defendants are, therefore, entitled to unconditional leave to defend the suit. Summons for judgment disposed of. Defendants are granted unconditional leave to defend the suit. Suit be transferred to commercial cause list. Written statement to be filed within a period of eight weeks from today.

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